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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,914	09/05/2003	Michael C. Garrett	7595/79330	8640
22342 7590 03/10/2010 FITCH EVEN TABIN & FLANNERY 120 SOUTH LASALLE STREET SUITE 1600 CHICAGO, IL 60603-3406				
EXAMINER				
LEE, ERICA SHENGKAI				
ART UNIT		PAPER NUMBER		
3766				
MAIL DATE		DELIVERY MODE		
03/10/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/656,914

Applicant(s)

GARRETT, MICHAEL C.

Examiner

ERICA LEE

Art Unit

3766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 2, 7-9 and 13-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to:

01/19/2010 – Applicant request for continued examination.

08/17/2009 – Final action.

05/04/2009 – Applicant response to first action.

11/04/2008 – First non-final action.

08/18/2008 – Applicant response to restriction requirement.

07/18/2008 – Restriction requirement.

Response to Amendment

1. The amendment filed January 19, 2010 has been entered. Claim 1 is amended. Claims 2, 7-9, 13-29 were previously withdrawn in response to a restriction requirement. Currently, claims 1, 3-6 and 10-12 are pending for examination.

Response to Arguments

2. Applicant's arguments, see page 8, filed January 19, 2010, with respect to objections to the drawings have been fully considered and are persuasive. The objections to the drawings have been withdrawn.

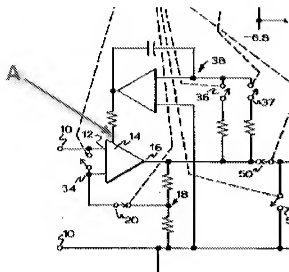
Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US Pat 4,025,869).
5. Regarding claims 1 and 6, Smith discloses a method of removing offsets to a signal comprising: provide at least two signal inputs 10; providing an error correction parameter ("variable current stage providing a feedback input point. The variable current stage is varied by means of the integrator feedback loop 38 in order to provide offset correction across the summing junction of the amplifier" col. 4, lines 4-9); combining at least one signal 12 carried by the at least two signal inputs with the error correction parameter A (see figure below) to provide a resultant error-corrected signal and amplifying 14 the resultant error-corrected signal to provide an amplified resultant error-corrected signal 16; using a gated integrator 38 to inherently high-pass filter the amplified resultant error-corrected signal to provide an inherent high-pass filtered version of the resultant error-corrected signal; wherein the error correction parameter comprises, at least in part, the high-pass filtered version of the resultant error-corrected signal (col. 3, line 18 to col. 4, line 24).



6. Regarding claims 10 and 11, Smith discloses wherein processing an earlier amplified resultant error-corrected signal comprises processing an earlier amplified resultant error-corrected signal in a high frequency passage selected manner 38 (fig. 2).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith.
9. It is well known in the art for amplifiers employed in circuits to amplify signals by at least a gain of 50. The Applicant discloses that a typical prior art response is to amplify signals by a gain of, for example, 100 to 500 in order to provide a signal of a

useful level and range ([0005]). Smith does not disclose the specifics of the amplifier, but it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an amplifier capable of amplifying signals by at least a gain of 50 since it is well known in the art to do so and to provide a signal of useful level and range.

10. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Braun et al. (US Pat 6,050,940) (previously cited).

11. Smith discloses an amplifier that is capable of operation in four modes, singly and in various combinations, in which one of the modes is AC amplification/offset correction (col. 2, lines 25-58). Smith also discloses incorporating an integrator 38 within the circuit to inherently high-pass filter a signal that will eventually be used as an error correction parameter (col. 4, lines 4-9), but does not disclose the specifics of the integrator. Braun et al. teaches a programmable high-pass filter with four cutoff options, two of which are 0.01Hz and 0.1 Hz (Table 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the high-pass integrator of Smith to be programmable as taught by Braun et al. in order to allow the circuit to handle different frequencies based on the user's needs.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Gudaitis (US Pat 5,392,784).

13. Smith discloses claimed invention but does not expressly disclose combining a second signal carried by the at least two signal inputs with the error correction parameter to provide a second resultant error-corrected signal. Gudaitis teaches combining an error correction parameter with both signal inputs (figs. 1-4; abstract), in order to reduce measurement error (abstract; col. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Smith to include the combining the error correction parameter with a second signal as taught by Gudaitis in order to reduce measurement error.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15. Offner (US Pat 3,370,242) discloses a differential amplifier with common mode rejection capabilities.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERICA LEE whose telephone number is (571)270-1480. The examiner can normally be reached on Monday through Friday, 8:30am-6pm, EST; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl H. Layno can be reached on (571)272-4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ERICA LEE/
Examiner, Art Unit 3766

/Carl H. Layno/
Supervisory Patent Examiner, Art
Unit 3766